

Chesapeake Watershed Restoration Professionals

Senate Bill 945 Wetlands and Waterways Program – Authorizations for Ecological Restoration Projects FAVORABLE WITH AMENDMENTS

March 16, 2022

Hon. Paul Pinsky
Chairman, Education, Health and Environmental Affairs
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Chairman Pinsky, Vice-Chair Kagan and members of the Committee,

The Chesapeake Watershed Restoration Professionals (CWRP) supports Senate Bill 945 in concept but has significant concerns with the potential application of the legislation, if passed, and strongly encourages the General Assembly to study the ecological restoration application process as is being considered in the Environment and Transportation Committee. CWRP was founded in November of 2020 and represents Maryland professionals whose daily work improves the health of Maryland's waters and our prized Chesapeake Bay.

We understand there are ongoing amendments to the legislation being contemplated, including studying the application process. As written, Senate Bill 945 would require the Maryland Department of the Environment (MDE) to establish a process for reviewing and evaluating applications for wetlands and waterways authorizations for ecological restoration projects that differs from development projects. Additionally, the legislation would authorize MDE to waive requirements to minimize alteration, impairment, or disturbance of a wetland or waterway.

CWRP has significant concerns granting an agency with the authority to wave existing laws and regulations as it relates to protecting the environment. Unintended consequences could be negative and significant and not worth the risk just to potentially permit some specific projects that otherwise wouldn't be. While we support the objectives of the legislation and believe permitting of ecological restoration projects can and should be streamlined, we think the appropriate process should be a study by the Maryland Department of the Environment that makes recommendations to the Maryland General Assembly.

We encourage the study to examine the following areas:

- **The efficiency and effectiveness of the current joint application permit and permit review process including the US Army Corps of Engineers review and approval under Section 404 of the Clean Water Act**
- **Inefficiencies or duplicative efforts for separately permitting the same actions at the County or local level compared to similar projects in adjoining states**
- **Assessment of how to achieve greater coordination and efficiency across all levels of required permitting**
- **Make recommendations for efficiencies among the state, federal, and local permitting processes including increased communication, rulemaking, or issuance of guidance to unify or to better align the entire process (i.e. eliminating duplicative processes)**

We thank the committee for their consideration of this important legislation and the issues we have raised. We look forward to working with you in the coming years to strengthen Maryland's ecological restoration laws.

Sincerely,

Liam O'Meara
President
Chesapeake Watershed Restoration Professionals